

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

ALFA LIFE INSURANCE CORPORATION,

Plaintiff,

v.

ADVANTAGE CONSULTING GROUP, INC.  
and RICHARD E. KNUTSON,

Defendants.

CIVIL ACTION NO. CV-05-775-MHT

ADVANTAGE CONSULTING GROUP, INC.,

Third-party Plaintiff(s),

v.

EDS SOLCORP,

Third-party Defendant(s).

**JOINT MOTION TO EXTEND TRIAL DATE AND ASSOCIATED DEADLINES**

All parties to this action jointly move the Court to extend the trial date and all associates deadlines as requested herein. As grounds for this motion, the parties jointly state as follows:

1. This case is currently set for trial during the Court's February 26, 2007, trial term. The pretrial conference in this action is currently set for January 29, 2007.
2. No party has previously moved for a continuance of the trial setting.
3. Third-party Defendant EDS Solcorp ("EDS") was only joined as a party to this action on June 22, 2006, and only filed an Answer on July 17, 2006.

4. The claims at issue in this action, both in the original Complaint and the Third-party Complaint, revolve around a complicated and extensive software update project undertaken by Plaintiff Alfa Insurance Corporation (“Alfa”), and which involved EDS and Defendant/Third-party Plaintiff Advantage Consulting Group, Inc. (“Advantage”). For instance, the parties believe that document discovery alone will require the identification, production, and review of tens of thousands of documents. Preparing this matter for trial will require significant and expensive document, deposition, and expert discovery.

5. Advantage is headquartered in Wisconsin and its witnesses and documents are located there. EDS is headquartered in Toronto, Canada, and many of its documents and several of its likely witnesses are located there. It is anticipated that counsel will have to travel to both locations, as well as other locations in the United States, for depositions in this case.

6. The parties have discussed the possible mediation of this case and the possibility that mediation can be conducted before significant resources are expended in the extensive discovery effort that will be necessary to prepare this case for trial.

7. Continuing this case from its current trial setting, and the resetting of all other deadlines accordingly, will not prejudice any party and will serve the interests of justice by (1) allowing EDS sufficient time to familiarize itself with the matters at issue in this litigation; (2) allowing all parties to fully explore the possibility of settlement before extensive discovery; (3) allowing all parties sufficient time to conduct discovery in the event settlement is not possible; (4) allowing for the preparation of dispositive motions; and (5) otherwise preparing their respective cases for trial.

WHEREFORE, the parties jointly move that this case be continued from its current trial setting and that the deadlines in this case be reset as follows:

1. That the trial date be reset for the trial term falling on or after October 1, 2007;
2. That the pretrial conference be reset accordingly, at the Court's convenience;
3. That the Court enter the jointly agreed upon Scheduling Order attached hereto.

Submitted this 28<sup>th</sup> day of August, 2006.

Respectfully submitted,

s/William P. Gray, Jr.  
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